



**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**



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Edmund G. Brown Jr.
Governor

July 13, 2011

In the Matter of

Water Quality Certification

for the

**TRINITY COUNTY DOT – HYAMPOM ROAD IMPROVEMENT PROJECT
SEGMENT 3
WDID No. 1A11027WNTR**

APPLICANT: Trinity County Department of Transportation
RECEIVING WATER: James Creek and unnamed tributaries to Hayfork Creek
HYDROLOGIC AREA: Corral Creek Hydrologic Subarea No. 106.24
COUNTY: Trinity
FILE NAME: Trinity County DOT – Hyampom Road Improvement Project,
Segment 3

BY THE EXECUTIVE OFFICER:

1. On March 14, 2011, the Trinity County Department of Transportation (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with implementation of Segment Three of the Hyampom Road Improvement Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 13, 2011, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The project is located along Hayfork Creek and approximately 1.5 miles of Hyampom Road between Post Mile 6.8 and Post Mile 8.3. The project involves road widening and realignment to create two 11-foot wide travel lanes with 2-foot wide shoulders and a paved inboard ditch. The road will generally be widened and

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realigned in the upslope direction away from Hayfork Creek. Rock slope protection (RSP) and retaining walls will be installed on the outboard side of the roadway above the ordinary high water elevation of Hayfork Creek. No fill or excavation activities will occur below the ordinary high water elevation of Hayfork Creek.

3. The project includes removal of an existing 42-foot long, 3-foot diameter corrugated metal culvert on James Creek. The existing culvert will be replaced with a 40-foot long, 20-foot wide, and 12-foot high bottomless arch culvert. The new culvert crossing will be located slightly upstream of the existing culvert as Hyampom Road is being widened away from Hayfork Creek. James Creek will be temporarily dewatered by installing a temporary sand bag barrier upstream of new arch culvert to route the stream into a temporary pipe that will carry the flows through the construction area and through the existing culvert.
4. Construction of the new arch culvert will require excavations along both sides of the James Creek stream channel to form and pour concrete footings and stem walls. The footings and associated excavations will be located above the ordinary high water elevation. Mechanically stabilized earth walls will be constructed over the arch culvert to contain and stabilize the new road fill materials. RSP will be placed along both sides of the James Creek channel around the inlet and outlet ends of the new arch culvert. A layer of light rock (6 inch diameter) will also be placed as channel lining at the outlet of the arch culvert to protect the bottom and banks of James Creek where the existing roadway fill and culvert will be removed.
5. Activities associated with installation of the arch culvert and RSP will result in 360 square feet and 120 linear feet of permanent impacts to the James Creek streambanks. Activities associated with installation of the light rock channel lining will result in 525 square feet and 35 linear feet of permanent impacts to the James Creek streambed. Activities associated with dewatering and temporary diversion of James Creek will result in 290 square feet and 139 linear feet of temporary impacts to the James Creek streambed.
6. Six new 24-inch diameter ditch relief culverts will be added to the widened and realigned section of Hyampom Road. Six existing 12-inch diameter culverts will also be replaced including four ditch relief culverts and two culverts on unnamed ephemeral tributaries to Hayfork Creek. New 24-inch diameter culverts will be installed with new drop inlets and light RSP outlet protection. These channels will be graded slightly to direct flows into the inlets of the new culverts. Activities associated with replacement of the two culverts on unnamed tributaries to Hayfork Creek and the installation of inlet and outlet protection for the new culverts will result in 162 square feet and 19 linear feet of additional permanent impacts to these existing culverted stream channels. Grading at the inlets of the unnamed tributaries will result in temporary impacts to 195 square feet and 30 linear feet of streambed.

7. A wetland seep emerges from a cut slope and flows in the roadside ditch to an ephemeral drainage where it pools in the ditch. The project will realign the roadway into the cut bank and the slope with the seep will be cut back further. The existing wetland will be filled by the realigned road. A gravel underdrain will be installed at this location to convey the seep under the roadside ditch and into the new culvert on an unnamed tributary to Hayfork Creek. Installation of the new culvert and underdrain will drain the seep area and prevent wetlands from developing in the new ditch. Widening the roadway into the existing roadside drainage and cut slope will result in permanent impacts to 525 square feet of existing wetlands.
8. A Wetland Mitigation and Monitoring Plan (WMMP) was prepared to provide wetland mitigation for impacts within the entire Hyampom Road Improvement Project including wetland impacts in Segments 2, 3, 4, and 5. A 1.056 acre compensatory wetland mitigation area was created along Dinner Gulch within the Segment 5 project area to mitigate for the total loss of 0.24 acre of wetlands. Construction of the compensatory wetland mitigation area was completed in September 2010. An initial monitoring event conducted during 2010 showed that wetland conditions in the mitigation area are developing as evidenced by observations of continued growth of facultative and obligate wetlands indicator species, and onsite expansion of individual planted species.
9. The Applicant has applied for authorization (File No. 2002-27452N) from the U.S. Army Corps of Engineers to perform the project under Nationwide Permit No. 14, pursuant to Clean Water Act, section 404. The Applicant has also applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game. Project activities are scheduled to begin in May 2011 and the project is expected to take two years to complete.
10. On August 6, 2003, Trinity County approved a Final Environmental Impact Report (SCH No. 2002022062) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The project has the potential to degrade water quality from construction activities associated with excavating trenches for new culverts, replacing and extending culverts, and preparing the bedding for culverts, riprap aprons, and rundowns. The project will also create new cuts and fill areas that will expose and disturb soil. The environmental document identifies potential adverse impacts associated with soil erosion, vegetation removal, concrete usage, potential spills of petroleum and other construction related hazardous materials, and disturbance of jurisdictional waters. Permanent structures to control erosion will also be installed during construction. Trinity County will be responsible for maintaining the permanent

structures and any temporary BMPs that are left in place after construction to facilitate revegetation. Implementation of a Storm Water Pollution Prevention Plan and various BMPs are expected to reduce potential impacts from storm water runoff, sedimentation, vegetation removal, petroleum spills, and concrete waste discharges to less-than-significant levels.

11. The State of California determined that the water quality standards for the South Fork Trinity River are exceeded due to excessive sediment and temperature. The South Fork Trinity River and Hayfork Creek Technical Total Maximum Daily Loads (TMDL) for sediment were established in 1998 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act. Development of a South Fork Trinity River Temperature TMDL has not been scheduled. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the South Fork Trinity River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Activities authorized by this certification require implementation of Best Management Practices for sediment and turbidity control, and implementation of mitigation and impact avoidance measures as described above. Accordingly, the project is consistent with, and implements portions of the South Fork Trinity River TMDL.
12. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. This Order is consistent with applicable federal and state antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater, and does not otherwise authorize degradation of the waters affected by this project.
13. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification.

Receiving Waters: James Creek and unnamed tributaries to Hayfork Creek in the Corral Creek Hydrologic Subarea No. 106.24

Filled or Excavated Area: Area Temporarily Impacted: 485 square feet of streambed
Area Permanently Impacted: 360 square feet of
streambank, 525 square feet of streambed, 162 square feet
of existing culverted stream channel, and 525 square feet of
wetland

Total Linear Impacts: Length Temporarily Impacted: 169 linear feet of streambed
Length Permanently Impacted: 120 linear feet of
streambank, 35 linear feet of streambed, and 19 linear feet
of existing culverted stream channel

Dredge Volume: None

Latitude/Longitude: Post Mile 6.8: 40.5958 N/123.2635 W
Post Mile 8.3: 40.5973 N/123.2818 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity County DOT – Hyampom Road Improvement Project, Segment 3 (WDID No.1A11027WNTR), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.

4. The Regional Water Board staff shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
6. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).
7. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
8. The Applicant shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
9. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface waters. All BMPs shall be installed properly and in accordance with the manufacturer's specifications.
10. The Applicant shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. The Applicant shall not use or allow the use of erosion control products that contain synthetic materials within waters of the United States or waters of the State at any time. The Applicant shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e. erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly

biodegradable products. The Applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

11. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
12. This Water Quality Certification does not authorize the Applicant to draft surface waters.
13. If construction dewatering of groundwater is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for coverage under Order No. R1-2009-0045, Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region or individual National Pollutant Discharge Elimination System Permit and shall receive notification of coverage to discharge to surface waters prior to initiating any groundwater dewatering discharge to surface waters.
14. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.
15. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the streambank and streambed. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
16. The Applicant and their contractor(s) are not authorized to discharge wastewater (e.g., water that has contacted uncured concrete, cement, asphalt, curing compounds, etc.) to surface waters, ground waters, or land. Wastewater may only be disposed of to a sanitary waste water collection system/facility (with authorization from the facility's owner or operator) or a properly-licensed disposal or reuse facility. If the Applicant or their contractor(s) propose an alternate disposal method, the Applicant or their contractor(s) shall apply for a permit from the Regional Water Board. Any plans to reuse or recycle wastewater require prior written approval from Regional Water Board staff.
17. The mitigation measures that are detailed in the Final EIR are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all

mitigation measures identified in the Mitigation Monitoring and Reporting Program that are within the Regional Water Board's jurisdiction.

18. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
19. Spill kits are required at each fueling location and at each location that where power equipment will be working within waters of the State. In the event of an unauthorized release of fuel (spill or leak) to waters of the State, the Applicant shall immediately stop work and conduct the following measures:
 - a) notify the appropriate agencies including the Regional Water Board, CDFG, and the Office of Emergency Services (OES) at 1(800) 852-7550;
 - b) utilize the appropriate spill kits for containment and clean up of the release;
 - c) collect samples within the immediate area of release, 50 feet downstream, and downstream to the full extent of the release if the release reaches surface waters; and,
 - d) analyze required surface water samples for all appropriate constituents including but not limited to total petroleum hydrocarbons as diesel (TPH-D), total petroleum hydrocarbons as gasoline (TPH-G), and benzene, toluene, ethylbenzene, total xylenes (BTEX).
20. Any potentially hazardous waste(s) (solids, liquids, or slurries) derived or encountered during this project shall undergo the appropriate characterization to demonstrate compliance will all applicable waste disposal laws and regulations.
21. Surface water monitoring shall be conducted whenever a project activity may alter naturally occurring background conditions in order to demonstrate compliance with applicable water quality standards. The Applicant shall establish effluent (discharge), upstream (background) and downstream monitoring locations to demonstrate compliance with all applicable water quality objectives as detailed in the Basin Plan. The downstream location shall be no more than 100 feet downstream from the discharge location. Any time that naturally occurring background conditions are altered by a project activity, field measurements shall be taken from each monitoring location at least four times daily. Field measurements shall be taken for pH (pH units), temperature (°F), dissolved oxygen (mg/L), and turbidity (NTU) at a minimum. In addition, visual observations shall be made and reported including the appearance of the discharge and the receiving water such as color, turbidity, solids deposition, floating or suspended matter or debris, appearance of the receiving water at the point of discharge,

erosion and scouring, unusual aquatic growth, and the presence or absence of aquatic life.

22. Whenever, as a result of project activities, downstream surface water measurements do not meet the following water quality objectives, the appropriate measurements shall be collected from all surface water monitoring locations every hour. Surface water monitoring shall continue until all surface water measurements taken no more than 100 feet downstream from the discharge location are meeting the following water quality objectives.

<u>Parameter</u>	<u>Water Quality Objective</u>
pH	shall not be depressed below 6.5 nor raised above 8.5, and no changes >0.5 pH units compared to naturally occurring background shall be made
temperature	naturally occurring background temperature shall not be altered and at no time or place shall the temperature of any surface waters be increased by more than 5°F above naturally occurring background
dissolved oxygen	shall not be depressed below 7.0 milligrams per liter
turbidity	shall not be increased by more than 20% above naturally occurring background

If any surface water measurements do not meet these water quality objectives 100 feet downstream of a project related source(s), all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s) including stopping work. In addition, the overall distance from the source(s) to the downstream extent of the exceedence shall be measured.

Surface water monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within one hour of taking any measurements that do not meet the water quality objectives listed above. Upstream and downstream pictures within the working and/or disturbed area shall be taken and submitted to the appropriate Regional Water Board staff via e-mail or fax within 24 hours.

23. Rainy Day Reports: The Applicant shall take photos of all areas disturbed by project activities, including all excess materials disposal areas, after rainfall events that generate visible runoff from these areas in order to demonstrate that erosion control and revegetation measures are present and have been installed appropriately and successfully. A brief report containing these photos shall be submitted within 30 days of the first rainfall event that generated runoff from the disturbed areas. Once the site has demonstrated appropriate and effective erosion

and sediment control, the Applicant may request a reprieve from this condition from the Regional Water Board.

24. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
25. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
26. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

27. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

28. The authorization of this certification for any dredge and fill activities expires on July 13, 2016. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine Kuhlman
Executive Officer

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Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

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